

REMARKS

Status of the Claims

Claims 35, 37-43, and 53-59 are currently pending in the present application. Claims 1-34, 36, and 44-52 have been canceled. Claims 35 and 40 have been amended, and new claims 53-59 directed to the same invention as claims 35 and 37-43 have been added. The amendments to the claims and the addition of new claims supply separate specific embodiments of the claimed invention, based on specific product characteristics.

Amendments to the Claims

The amendments to claims 35 and 40 do not introduce prohibited new matter. Support for the amendments to claims 35 and 40 can be found on page 4, lines 23-25.

New claims 53-59 have been added to more clearly define the claimed invention and do not include prohibited new matter. Support for new claims 53-59 can be found on page 5, lines 20-24.

Rejections of the Claims Under 35 U.S.C. § 112, First Paragraph

A. Claims 35-52 are rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification to enable the skilled artisan to make and/or use the invention.

Claims 35 and 40 have been amended so that the claimed method is for increasing the firmness of “soft or puff dough biscuits.” Accordingly, this rejection is moot. Applicants request withdrawal of this rejection.

B. Claim 39 is rejected under 35 U.S.C. § 112, first paragraph as lacking written description for reciting “a dough without added emulsifier and a fat content of greater than or equal to 7%.”

Applicants respectfully point out that claim 10 as originally filed recites “a dough without added emulsifier and a fat content greater than or equal to 7%.” Moreover, Example 5, on page 14, lines 14-16, describes that the biscuit dough contains about 7% of fatty substances. Further,

lines 14-21 of page 4 state that the increase in density of puff biscuits prepared from a dough with a high content of fat could be counterbalanced by the addition of emulsifiers. Accordingly, the specification provides adequate description for claiming an increase in density without added emulsifier. Thus, the specification provides written description for a dough without added emulsifier and a fat content of greater than or equal to about 7%.

Applicants respectfully request withdrawal of this rejection.

Rejection of the Claims Under 35 U.S.C. § 103(a)

Claims 44-52 are rejected 35 U.S.C. § 103(a) as being unpatentable over Applicants' admission of the prior art.

Claims 44-52 have been canceled without prejudice to pursuit of the subject matter in another related application. Accordingly, the rejection is moot. Applicants respectfully request withdrawal of the rejection.

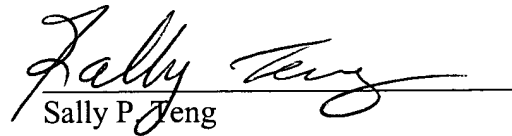
Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request entry of the amendments, reconsideration, and the timely allowance of the pending claims. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, they are invited to telephone the undersigned at their convenience.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. 1.136(a)(3).

Respectfully submitted,
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